

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 08-04-23

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF ROADS WITHIN
AUTUMN'S CAY SUBDIVISION – AUTUMN DRIVE, GOLDEN WAY,
HARVEST LANE, AND RED LEAF COURT – INTO THE NEWBERRY
COUNTY PUBLIC ROAD SYSTEM**

WHEREAS, Michael Basil, LLC. made application to the Newberry County Planning and Zoning Department for approval of a subdivision known as Autumn's Cay, located within the planning jurisdiction of Newberry County, South Carolina; and

WHEREAS, the Newberry County Public Works Department has inspected the roads within Autumn's Cay subdivision for maintenance purposes and confirmed that they are constructed to the standards set forth in the Newberry County Road Ordinance and codified in Chapter 91 of the Newberry County Code of Ordinances; and

WHEREAS, Michael Basil, LLC. has provided a surety bond of \$45,539.00, which the County Council of the County of Newberry has accepted, in a form and amount that conforms with the requirements set forth in the Newberry County Road Ordinance and codified in Chapter 91, Section 20 of the Newberry County Code of Ordinances, to Newberry County as security for the maintenance of the road.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 20th day of September 2023 that:

1. Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court, as described on plat recorded in Plat Book B39 at page 3 in the office of the Clerk of Court for Newberry County, is accepted into the Newberry County Public Road System as a public road of the County of Newberry.
2. The County of Newberry is hereby responsible for the maintenance and upkeep of Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court.
3. Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court are hereby under the jurisdiction of the County of Newberry for purposes of law enforcement and regulation of use, including the issuance of encroachment permits for installation of utility easements in the road rights of way.

FILED
NEWBERRY COUNTY
2023 SEP 21 AM 8:48
ELIZABETH P. FOLK
CLERK OF COURT

NEWBERRY COUNTY COUNCIL

(SEAL)

BY: Todd Johnson
Todd Johnson, Chairman

ATTEST:

Andrew Wigger
Andrew Wigger, Clerk to Council

Approved as to form:

Joanie Winters
Joanie Winters, Interim County Attorney

Jeff Shacker
Jeff Shacker, County Administrator

1st Reading: August 16, 2023
2nd Reading: September 6, 2023
Public Hearing: September 6, 2023
3rd Reading: September 20, 2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

RELEASE OF CONSTRUCTION BOND

FILED
NEWBERRY COUNTY

2024 DEC 16 PM 1:44

ELIZABETH P FOLK
CLERK OF COURT

WHEREAS, the undersigned representative of the County of Newberry, South Carolina (the "County") acknowledges receipt of the sum of Forty-Five Thousand, Five Hundred Thirty-Nine Dollars and No Cents (\$45,539.00), paid to the County on July 21, 2023, as a Construction Bond for the Autumn's Cay Development project and under an agreement executed with the County on July 21, 2023, and

WHEREAS, the Construction bond indemnified the County for road maintenance for this project, to be completed without claim, suit, or action to be brought following the expiration of two (2) years following the date upon which the project is completed. Completion date for this project was October 31, 2022, and

WHEREAS, the County did, by Ordinance No. 08-04-23, authorize the acceptance of roads within Autumn's Cay Subdivision – Autumn Drive, Golden Way, Harvest Lane, and Red Leaf Court into the Newberry County Public Road System, on the third and final vote of the ordinance on September 20, 2023. As a result, having met all requirements of the Construction Bond, the Newberry County Road Ordinance, and the completion date being beyond two years as required, Newberry County hereby releases Michael Basil, LLC, the Principal, and their respective insurers, bonding companies, successors and assigns, of any other liability and waive any privilege and right of lien for the provision of materials, labor or services for the Project up to and including road maintenance, and

WHEREAS, the amount of Forty-Five Thousand, Five Hundred Thirty-Nine Dollars and No Cents (\$45,539.00) shall be returned to Michael Basil, LLC following the execution and filing of this Release with the Newberry County Clerk of Court.

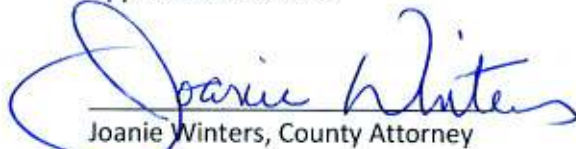
NEWBERRY COUNTY COUNCIL

BY: 
Todd Johnson, Chairman

ATTEST:


Andrew Wigger, Clerk to Council

Approved as to form:


Joanie Winters, County Attorney


Jeff Shacker, County Administrator